

cc: financial, PESLCCastanzo

MARCIA M. WALDRON  
CLERK

OFFICE OF THE CLERK  
**UNITED STATES COURT OF APPEALS**  
FOR THE THIRD CIRCUIT  
21400 UNITED STATES COURTHOUSE  
601 MARKET STREET  
PHILADELPHIA 19106-1790

TELEPHONE  
215-597-2995

Middle (Harrisburg) Clerk of District Court  
(District)

Date 11/29/02

Carter v. Horn  
(Caption)

C. of A. No. 01-1506

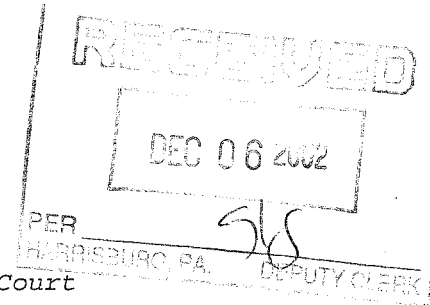
John Carter  
(Appellants)

Civil 00-cv-00834  
(D.C. No.)

*J. Caldwell*

Enclosures:

11/29/02 Certified copy of C. of A. Order by the Court  
(Date)



\_\_\_\_\_ Released (Record) (Supplemental Record - First - Second - Third)

\_\_\_\_\_ Copy of this form to acknowledge receipt and return to C. of A.

\_\_\_\_\_ Record not released at this time until appeal(s) closed at No.(s) \_\_\_\_\_

\_\_\_\_\_ Please forward Certified List in Lieu of Record to this office.

\_\_\_\_\_ The certified copy of order issued as the mandate on \_\_\_\_\_  
is recalled.

*Margaret H. Des* (267)-299-4931  
Quality Assurance Analyst Telephone Number

Receipt Acknowledge:

George T. Anderson  
(Name)

12-6-02  
(Date)

Rev. 3/13/00  
Appeals (Certified List in Lieu of Record)

23  
PB

DPS-235

July 18, 2002

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 01-1506

JOHN CARTER, ET AL.

VS.

MARTIN HORN, ET AL.

(M.D. PA. CIV. NO. 00-CV- 00834)

FILED  
HARRISBURG, PA

DEC 6 2002

MARY E. D'ANDREA, CLERK

Per JK

Present: NYGAARD, ROTH and BARRY, CIRCUIT JUDGES

Submitted are:

- (1) Appellant's document titled "Motion to Vacate", which the Court may wish to treat as a Motion to Reopen; and
- (2) Appellant's motion for leave to appeal in forma pauperis and affidavit in support thereof, pursuant to Rule 24, Federal Rules of Appellate Procedure, which includes a motion for appointment of counsel

in the above-captioned case.

Respectfully,

Clerk

MMW/WMS/zm/kb

ORDER

The motion to reopen the appeal is granted. See LAR Misc. 107.2. The motion to proceed in forma pauperis is granted. We find that the District Court did not err in dismissing the complaint pursuant to 28 U.S.C. §1997e(a) for failure to exhaust administrative remedies. Accordingly, this appeal is dismissed as frivolous pursuant to 28 U.S.C. §1915(e)(2)(B)(i) and the motion for appointment of counsel is dismissed as moot. The Clerk shall assess fees. 28 U.S.C. §1915(b).

A TRUE COPY:

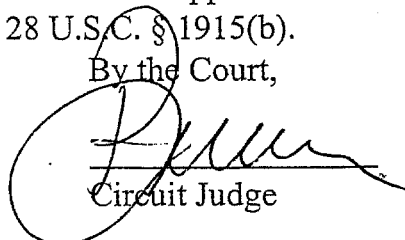
By the Court,



ACTING CLERK

Dated: NOV 29 2002

WGL/cc: JC  
BAM

  
Circuit Judge